

EXPRESS EV 36537732945

PATENT COOPERATION TREATY

Rec'd PCT/PTO

16 MAY 2005

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

TRIPOLI, Joseph, et al.
THOMSON LICENSING INC.
Two Independent Way
Suite 200
Princeton, NJ 08540
ETATS-UNIS D'AMERIQUE

KA/KA

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

31.01.2005

Applicant's or agent's file reference
PU020459

IMPORTANT NOTIFICATION

International application No.
PCT/US 03/32600

International filing date (day/month/year)
15.10.2003

Priority date (day/month/year)
15.11.2002

Applicant
THOMSON LICENSING S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465



Authorized Officer

Schalinatus, D

Tel. +49 89 2399-8242



PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PU020459	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA416)																									
International application No. PCT/US 03/32600	International filing date (day/month/year) 15.10.2003	Priority date (day/month/year) 15.11.2002																								
International Patent Classification (IPC) or both national classification and IPC H04N5/44																										
Applicant THOMSON LICENSING S.A. et al.																										
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>																										
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"><tr><td style="width: 5%;">I</td><td style="width: 5%;"><input checked="" type="checkbox"/></td><td>Basis of the opinion</td></tr><tr><td>II</td><td><input type="checkbox"/></td><td>Priority</td></tr><tr><td>III</td><td><input type="checkbox"/></td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>IV</td><td><input type="checkbox"/></td><td>Lack of unity of invention</td></tr><tr><td>V</td><td><input checked="" type="checkbox"/></td><td>Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td>VI</td><td><input type="checkbox"/></td><td>Certain documents cited</td></tr><tr><td>VII</td><td><input type="checkbox"/></td><td>Certain defects in the international application</td></tr><tr><td>VIII</td><td><input type="checkbox"/></td><td>Certain observations on the international application</td></tr></table>			I	<input checked="" type="checkbox"/>	Basis of the opinion	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the opinion																								
II	<input type="checkbox"/>	Priority																								
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																								
IV	<input type="checkbox"/>	Lack of unity of invention																								
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																								
VI	<input type="checkbox"/>	Certain documents cited																								
VII	<input type="checkbox"/>	Certain defects in the international application																								
VIII	<input type="checkbox"/>	Certain observations on the international application																								
Date of submission of the demand 15.06.2004	Date of completion of this report 31.01.2005																									
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer de Dieuleveult, A Telephone No. +49 89 2399-8946 																									

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/32600**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-22 received on 09.11.2004 with letter of 03.11.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/US 03/32600**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

V. Reasoned statement

1. Reference is made to the following documents:

D1: US 2002/162121 A1 (MITCHELL S.) 31 October 2002

D2: WO 01/33853 A (KIM J. ET AL) 10 May 2001

D3: WO 01/45386 A (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 21 June 2001

D4: WO 99/55090 A (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 28 October 1999

2. Claim 15:

2.1 Documents D1 (see "cable modem tuner" in paragraphs 37, 51, 68, 74, 86 and 87) and D2 (see "MOD&DEMOM" in figs. 2 and 3), both disclose a modem apparatus comprising a modulator/demodulator (implicitly) and having an emergency alert function (see par. 72 and p. 5, last par., respectively).

2.2 A similar prior art is derivable from document D3 which mentions an Internet connection with relation to Fig. 1 (see p. 4, ll. 14-19). Although the "modem" is not explicitly cited, such an apparatus is well known for the skilled person (see also D1, par. 74).

2.3 The subject-matter of claim 15 thus substantially differs from the disclosure of any one of documents D1 to D3 only in that "said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type".

2.4 Such a feature is however known (or at least strongly suggested) from document D4 which strives to provide emergency broadcasts (*inter alia*) to appropriate viewers by using a user profile (see p. 3, ll. 17-25) comprising information (see p. 9, l. 27 - p. 10, l. 3) relating to a user selected (since it may be entered manually) geographical area or another user selected personal preference (an event type being an obvious option in this context so as to filter out warning messages that are not appropriate to said user).

2.5 The subject-matter of claim 15 is therefore considered to lack an inventive step with regard to the combined disclosure of any of D1 to D3 with D4.

3. Claims 1 and 8:

- 3.1 D1 further discloses a television signal receiving apparatus/method comprising first and second tuning means/steps (see par. 62 and 63, a.o.). D1 mentions an "off/standby mode" (see par. 44) but appears to be silent about monitoring the second channel when put in said mode. A tuner to "listen to the override channel" is nevertheless suggested (see par. 78) and it appears to be obvious for the skilled person knowing the disclosure of D1 and the teachings of D4 and faced with the problem of broadcasting an emergency alert when the receiver is in said standby mode (as known from D2, page 1, lines 27-35; and p. 5, l. 21-35; or from the abstract of D3) to monitor said override channel also in that case. The claimed subject-matter thus lacks an inventive step with respect to the combined disclosure of D1 with D4 and the common knowledge of the skilled person (as best represented by D2 or D3).
- 3.2 Conversely, the subject-matter of claims 1 and 8 differs from the disclosure of documents D2 and D3 combined with the disclosure of D4 in that separate first and second tuners are used. This missing feature is however well known in the art of television receivers such as the ones providing a picture-in-picture (PiP) function. Consequently, the claimed subject-matter is considered to lack an inventive step with respect to the combined disclosure of any of D2 and D3 with D4 and the common knowledge of the skilled person.
4. Claims 2-7, 9-14 and 16-22:
These dependent claims do not appear to comprise any additional features that would render their subject-matter new and inventive over the available prior art. Therefore, these claims fail together with the independent claims for lack of inventive step.

CLAIMS

1. A television signal receiver (20) having an emergency alert function, comprising:

5 first tuning means (23) for tuning first signals including video signals when said television signal receiver (20) is in an on mode;

second tuning means (25, 42) for tuning second signals including emergency alert signals when said television signal receiver (20) is in said on mode and an off/standby mode; and

10 wherein said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type.

2. The television signal receiver (20) of claim 1, wherein said
15 second tuning means (42) is included in a modem apparatus (40).

3. The television signal receiver (20) of claim 2, wherein said modem apparatus (40) is internal to said television signal receiver (20).

20 4. The television signal receiver (20) of claim 2, wherein said modem apparatus (40) is external to said television signal receiver (20).

5. The television signal receiver (20) of claim 4, wherein said modem apparatus (40) includes alert means (47) for providing an alert output
25 when said emergency alert function is activated.

6. The television signal receiver (20) of claim 5, wherein said alert means (47) includes a visual output element (47a).

30 7. The television signal receiver (20) of claim 5, wherein said alert means (47) includes an aural output element (47b).

8. A method (300) for controlling a television signal receiver (20) having an emergency alert function, comprising:

enabling a first tuner (23) to tune first signals including video signals when said television signal receiver (20) is in an on mode;

5 enabling a second tuner (25, 42) to tune second signals including emergency alert signals when said television signal receiver (20) is in said on mode and an off/standby mode; and

10 wherein said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type.

9. The method (300) of claim 8, wherein said second tuner (42) is included in a modem apparatus (40).

15 10. The method (300) of claim 9, wherein said modem apparatus (40) is internal to said television signal receiver (20).

20 11. The method (300) of claim 9, wherein said modem apparatus (40) is external to said television signal receiver (20).

12. The method (300) of claim 11, further comprised of providing an alert output via an alert system (47) of said modem apparatus (40) when said emergency alert function is activated.

25 13. The method (300) of claim 12, wherein said alert output includes a visual output.

14. The method (300) of claim 12, wherein said alert output includes an aural output.

30 15. A modem apparatus (40) having an emergency alert function, comprising:

a modulator (44) operative to modulate upstream signals provided to a network;

a demodulator (43) operative to demodulate downstream signals provided from said network, said downstream signals including emergency alert signals capable of activating said emergency alert function;

an alert system (47) operative to provide an alert output when said emergency alert function is activated; and

wherein said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type.

16. The modem apparatus (40) of claim 15, wherein said alert system (47) includes a visual output element (47a).

17. The modem apparatus (40) of claim 15, wherein said alert system (47) includes an aural output element (47b).

18. The modem apparatus (40) of claim 15, wherein said network includes a cable network.

19. The modem apparatus (40) of claim 15, wherein said network includes a DSL network.

20. The modem apparatus (40) of claim 15, wherein:
said modem apparatus (40) is operatively coupled to an external device (20); and

said external device (20) provides a second alert output when said emergency alert function is activated.

21. The modem apparatus of claim 20, wherein said external device includes a television signal receiver (20).

22. The modem apparatus of claim 20, wherein said external device includes a computer.